

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

SHAWN C. SHARP,)	
)	
Plaintiff,)	
v.)	CIVIL ACTION NO.: 00-2156
)	
SUPERINTENDENT PHILIP L.)	Magistrate Judge Amy Reynolds Hay
JOHNSON, ET AL.)	
Defendants.)	
)	

PLAINTIFF'S MOTION TO AMEND PRETRIAL STATEMENT

AND Now comes the Plaintiff, Shawn C. Sharp, by and through his attorney, Raymond N. Sanchas, Esquire and hereby files this Motion to Amend his Pretrial Statement:

1. Plaintiff filed a Pretrial Statement on July 7, 2006. Prior to the completion of the Pretrial Statement, Plaintiff was transferred from SCI-Greene to SCI-Dallas. This transfer prevented Plaintiff from meeting with his counsel to make any final revisions to the Pretrial statement.

2. After the Pretrial Statement was filed, counsel for Plaintiff received a letter from the Plaintiff requesting that four (4) witnesses be added to the Pretrial Statement.

3. At the August 22, 2006 Pretrial Conference, Plaintiff requested leave to file a Motion to amend his Pretrial Statement. This Honorable Court issued an Order granting Plaintiff until September 8, 2006 to file such a Motion and setting forth some requirements for the content of the Motion.

4. Plaintiff seeks to add the following witnesses to his Pretrial Statement for the reasons set forth after their names:

1. Anthony Deloatch

#BH7546

SCI – Dallas

1000 Follies Road

Dallas, PA 18612

Liability & Damage

Mr. Deloatch is a Muslim of Plaintiff's faith who witnessed actions taken against the Plaintiff at SCI-Pittsburgh and will testify as to how differently the two groups of Sunni and Shia Muslims were treated at SCI-Pittsburgh and the discriminatory policies and practices related to religious accommodation requests at that institution.

2. John Blount

#BJ3672

SCI – Dallas

1000 Follies Road

Dallas, PA 18612

Liability & Damage

Mr. Blount was an inmate Imam at SCI-Pittsburgh and will explain the differences in how the different Muslim sects practice their religion and the differences in the way they were allowed, or not allowed, to practice their religion at SCI-Pittsburgh while Plaintiff was there.

3. Troy Calhoun

#AS2316

SCI – Dallas

1000 Follies Road

Dallas, PA 18612

Mr. Calhoun was present at SCI-Greene on the day that Imam Abu Bakr at SCI-Greene called those of Plaintiff's faith non-Muslims and will testify as to discriminatory religious practices in effect at SCI-Greene when Plaintiff was there.

4. Anthony Wallace

#FF7414

SCI – Dallas

1000 Follies Road

Dallas, PA 18612

Liability & Damage

Mr. Wallace is a Shi'ite Muslim who witnessed actions taken against the Plaintiff at SCI-Pittsburgh, heard admissions by guards as to the fact that Mr. Sharp was being treated unfairly due to his attempts to practice his religion and will testify as to how differently the two groups of Sunni and Shia Muslims practice their religion and how differently they were treated at SCI-Pittsburgh.

5. The above witnesses are to supplement the following witnesses already named in Section A. of his Pretrial Statement. Counsel for Plaintiff has added a short statement as requested indicating the testimony intending to be sought from such witnesses. Counsel for Plaintiff has requested a more thorough summary from Plaintiff but has not yet been able to obtain one. Some of the originally intended testimony from witnesses listed has been excluded by the rulings as to Plaintiff's property claim but there remain relevant and separate items of testimony expected from each witness listed.

5. Shawn C. Sharp
 #BQ8429
 SCI – Dallas
 1000 Follies Road
 Dallas, PA 18612
 Liability & Damage
 Mr. Sharp is the primary witness and his testimony will relate to all of the issues raised in his Second Amended Complaint that were not dismissed by the Court.
6. London Linton
 #BT4978
 SCI – Dallas
 1000 Follies Road
 Dallas, PA 18612
 Liability
 Mr. Loudon witnessed events set forth in Plaintiff's Second Amended Complaint as well as policies and practices restricting those of Plaintiff's faith from being able to practice their religion and preferential treatment given to members of other faiths.
7. Dameon Brome
 #AS2316
 SCI - Greene
 175 Progress Drive
 Waynesburg, PA 15370
 Liability
 Mr. Brome witnessed events set forth in Plaintiff's Second Amended Complaint as well as policies and practices restricting those of Plaintiff's faith from being able to practice their religion and preferential treatment given to members of other faiths.
8. Joseph E. Heckel
 224 S. Mathilda St.
 Pittsburgh, PA 15224
 412-661-7760
 Liability & Damage

Mr. Heckel worked with numerous inmates including Mr. Sharp in their unsuccessful attempts to be able to practice their religious beliefs and can testify as to his efforts and the discriminatory practices the Department maintained against those of Plaintiff's faith.

WHEREFORE, Plaintiff, Shawn C. Sharp, respectfully requests that this Honorable Court grant this request for the addition of the four (4) witnesses identified in paragraph 3 above to his Pretrial Statement.

Respectfully submitted:

September 8, 2006
Date

/s/Raymond N. Sanchas
Raymond N. Sanchas, Esquire
Counsel for Plaintiff
PA ID#33295

300 Allegheny Building
Pittsburgh, PA 15219
(412) 391-4467

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Plaintiff's Motion to Amend Pretrial Statement was served on the 8th day of September, 2006, on counsel of record for Defendants electronically and by first class mail, postage pre-paid, addressed as follows:

Scott A. Bradley, Deputy Attorney General
Commonwealth of Pennsylvania
Office of Attorney General – Litigation Section
Fifth Floor, Manor Complex
Pittsburgh, PA 15219

Date: September 8, 2006

/s/Raymond N. Sanchas
Raymond N. Sanchas, Esquire
Attorney for Plaintiff

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)	

ORDER

AND NOW, this ____ day of _____, 2006, upon consideration of the Motion to Amend Pretrial Statement heretofore filed on behalf of the Plaintiff, **IT IS HEREBY ORDERED** that said Motion is **GRANTED**. Plaintiff's Pretrial Statement is hereby amended to include the four (4) witnesses identified in paragraph 3 of the foregoing Motion.

BY THE COURT:

AMY RUDOLPH HAY
United States Magistrate Judge

cc: Scott A. Bradley, SDAG
Raymond N. Sanchas, Esquire